#8

Atty. Docket No. 42.P12154

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re	Application of:) Examiner:	To be Assigned
	Michael J. Payne, et al.	Art Unit:	To be Assigned
Appli	cation No.: 09/965,230)	10 00 1 222 622
Filed:	September 25, 2001))	
For:	COLOR AS A VISUAL CUE IN SPEECH-ENABLED APPLICATIONS))	FAX RECEIVED SEP 0 3 2003
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Comr	nissioner for Patents		PETITIONS OFFICE
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Alexa	ndria, VA 22313-1450		

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a) FOR FAILURE TO RECEIVE OFFICE COMMUNICATION

Dear Sir or Madam:

In response to the Notice of Abandonment mailed July 23, 2003 for failure to timely respond to a Decision on Petition, Applicants submit the present Petition for Withdrawal of Holding of Abandonment under 37 C.F.R. §1.181(a).

It is not believed that extensions of time are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned under 37 C.F.R. §1.136(a). Any fees required therefore are hereby authorized to be charged to Deposit Account No. 02-2666. Please credit any overpayment to the same deposit account.

Kindly consider the following Remarks.

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REMARKS

Applicants in the above-identified application received a Notice of Abandonment for Failure to Timely Reply to a Decision on Petition. The Notice of Abandonment was mailed July 23, 2003. Applicants respectfully request withdrawal of the holding of abandonment because Applicants failed to receive the Decision on Petition until August 23, 2003.

MPEP §711.03(c) II permits an allegation that an Office communication was never received to be considered in a petition to withdraw a holding of abandonment. Applicant's representative must include a statement that Applicant's representative never received the Office communication. Applicant's representative must attest to the fact that Applicant's representative performed a search of the file jacket and docket records, and that the searches indicate that the Office communication was not received. Applicant's representative must attach to the statement a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. Applicant's representative must make reference to the attached docket record.

Statement Showing Non-Receipt of Decision on Petition

In response to a Notice to File Missing Parts, Applicants' representative filed a Petition Under Rule (47)(a) on February 13, 2002. Applicants' representative then received a Notice of Abandonment dated July 23, 2003 for failure to respond to a Decision on Petition (Paper No. 6) mailed December 11, 2002.

Applicants' representative performed a search of the file jacket and docket records looking for the Decision on Petition. The search indicated that Applicants' representative did not receive the Decision on Petition.

Applicants' representative telephoned the Office of Petitions and informed the Examiner that Paper No. 6 was never received. The Examiner and Applicants' representative then determined that Paper No. 6 was mailed to the wrong address. The Examiner faxed Paper No. 6 to Applicants' representative on August 18, 2003.

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Art Unit:

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Paper No. 6 gave Applicants two months to file a Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a). There are two mailing dates shown on Paper No. 6: May 20, 2002 and December 11, 2002. It is not clear whether the Examiner intended the period for reply to begin running on May 20, 2002 or December 11, 2002 thus Applicants' representative has attached a copy of the docket record for July 20, 2002 (Exhibit A) and February 11, 2003 (Exhibit B), two months from May 20, 2002 and December 11, 2002, respectively. The docket records indicate that the Decision on Petition was not docketed for either date.

Accordingly, Applicants' representative respectfully requests that because the Decision on Petition was not received that the Petition for Withdrawal of Holding of Abandonment under 37 C.F.R. §1.181(a) be granted.

CONCLUSION

The Examiner is invited to telephone the undersigned representative if the Examiner believes that an interview might be useful for any reason.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 24t. 3, 2003

Jan Carol Little

Customer No. 008791 12400 Wilshire Boulevard, Seventh Floor Los Angeles, California 90025 206-292-8600

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being sent by facsimile to (703) 308-6916, addressed to Examiner Wan Laymon, Box DAC, P.O. Box 1450, Commissioner for Patents, Alexandria, VA 22323-1450 on Date of Transmission September 3, 2003

Christina Fernandez

(Typed or printed name of person transmitting paper)

(Signature of person ransmitting paper)

EXHIBIT A

2008 '09/03/03 16:31 FAX 206 292 8606 B S T & Z Docket Attorneys: · Date Client Number Country Reference Maner Number 7/20/2002 1,201,670 76990 951 NZ

76990	951	NZ		1,201,670
02118	T088FRA1	GWH	France	93451514
05390	981SIN	SWS LNB MJT	Singapore	3271/85, Log (ashton-tate),
05390	981SIN2	SWS LNB MJT	Singapore	3272/85, Log (ashton-tate),
82225	P0600CAN	B-H ESH	Canada	2154327
24050	G003	NZ	California	Enterprise Le of Oklahoma,
42390	P5908JPN	EHT	Japan	205101/95
11951	951FRA	SWS LNB MJT	france	97700268
11951	951BNX	SWS LNB MJT	benelux	622040
96790	P227	ESH		5,895,209
02997	P001	JCS		5,895,758
55123	P080	RWB		5,896,063
82225	P0851c	B-H CSL		5,896,495
81862	P073	LJV		5,926,475
82225	P0569c	B-H ESH		5,926,639
82771	P212	wws		5,926,458
02541	P001	лнs		5,926,624
03116	P001	WTB		5,925,377
42236	P037	RWB		5,926,409
03239	P021BR	wws	Brazil	PI9903878
42390	P9344	EHT JXL		747,617
42390	P9712	ЕНТ		745,248
42390	P9949	EHT JXL	-	747,618
42390	P9948	EHT JXL		747,612
04957	P001X	JHS	· · · · · · · · · · · · · · · · · · ·	745,257
	05390 05390 82225 24050 42390 11951 11951 96790 02997 55123 82225 81862 82225 82771 02541 03116 42236 03239 42390 42390 42390	02118 T088FRA1 05390 981SIN 05390 981SIN2 82225 P0600CAN 24050 G003 42390 P5908JPN 11951 951FRA 11951 951BNX 96790 P227 02997 P001 55123 P080 82225 P0851c 81862 P073 82225 P0569c 82771 P212 02541 P001 03116 P001 42236 P037 03239 P021BR 42390 P9344 42390 P9949 42390 P9948	02118 T088FRA1 GWH 05390 981SIN SWS LNB MJT 05390 981SIN2 SWS LNB MJT 82225 P0600CAN B-H ESH 24050 G003 NZ 42390 P5908JPN EHT 11951 951FRA SWS LNB MJT 11951 951BNX SWS LNB MJT 96790 P227 ESH 02997 P001 JCS 55123 P080 RWB 82225 P0851c B-H CSL 81862 P073 LJV 82225 P0569c B-H ESH 82771 P212 WWS 02541 P001 JHS 03116 P001 WTB 42236 P037 RWB 03239 P021BR WWS 42390 P9344 EHT JXL 42390 P9949 EHT JXL 42390 P9949 EHT JXL	02118 T088FRA1 GWH France 05390 981SIN SWS LNB MJT Singapore 05390 981SIN2 SWS LNB MJT Singapore 82225 P0600CAN B-H ESH Canada 24050 G003 NZ California 42390 P5908JPN EHT Japan 11951 951FRA SWS LNB MJT france 11951 951BNX SWS LNB MJT benelux 96790 P227 ESH Denelux 96790 P227 ESH SWS LNB MJT benelux 82225 P080 RWB B-H CSL BH CSL 82225 P0569c B-H ESH WWS BH CSL 82711 P212 WWS WB 03216 P001 <td< td=""></td<>

· Date	Client Number	Massér Number	Docket Attorneys:	Country	Reference
7/20/2002	03918	P002c	RWB WEA		745,033
7/20/2002	42390	P9784	EHT JYG		745,638
7/20/2002	42390	P8388PCT	ЕНТ МЈМ МЈТ	PCT	US01/01576
7/20/2002	42390	P7433	EHT JCL		745,336
7/20/2002	15685	P065	GDC JYG		745,343
7/20/2002	42390	P10074	EHT JYG	-	745,335
7/20/2002	42390	P10074	EHT JYG		745335
7/20/2002	04148	P015PCT	ALM MJM SKW	PCT	US01/09107
7/20/2002	80398	P119TW	JHS	Taiwan - ROC	121280
7/20/2002	04711	P004PCT	RWB MJT	PCT	US01/11416
7/20/2002	04887	P567PCT	MAB ROR SKW	PCT	US01/12905
7/20/2002	42390	P7837PCT	EHT LJV MJT	PCT	US01/10385
7/20/2002	06326	P001PCT	TNF	pct	US01/40588
7/20/2002	05510	P061z	JYG		306,719
7/20/2002	04298	T002	DFA NZ	- 	226,344
7/20/2002	42390	P12317Z	ЕНТ		307,099
7/20/2002	04162	P005Z	МЈМ		306,693
7/20/2002	05396	P002Z	RWB WEA		306,800
7/20/2002	42390	P12317z	EHT GRL		307,099
7/20/2002	04148	p030	ALM		933,620
7/20/2002	04800	p008	TVN		933,786
7/20/2002	04800	p006	TVN		933,847
7/20/2002	82225	P0011GBR	B-H ESH	United Kingdom	2194657
7/20/2002	42390	P0273GBR	EHT	United Kingdom	2195294
7/20/2002	82225	P0701EPO	B-H ESH	EPO	95307474.7

Country Reference: Client Number r Number Docket Attorneys: • Date 745,033 7/20/2002 03918 RWB WEA P002c 745,638 EHT JYG 42390 P9784 7/20/2002 US01/01576 PCT 7/20/2002 42390 P8388PCT EHT MJM MJT 745,336 EHT JCL 7/20/2002 42390 P7433 GDC JYG 745,343 7/20/2002 15685 P065 P10074 EHT JYG 745,335 7/20/2002 42390 EHT JYG 745335 42390 P10074 7/20/2002 PCT US01/09107 ALM MJM SKW 7/20/2002 04148 P015PCT 121280 JНS Taiwan - ROC 7/20/2002 80398 P119TW US01/11416 RWB MJT PCT 04711 P004PCT 7/20/2002 PCT US01/12905 MAB ROR SKW 04887 P567PCT 7/20/2002 US01/10385 P7837PCT EHT LJV MJT PCT 7/20/2002 42390 US01/40588 TNF 06326 P001PCT pct 7/20/2002 P061z JYG 306,719 7/20/2002 05510 7/20/2002 04298 T002 DFA NZ 226,344 7/20/2002 42390 P12317Z EHT 307,099 P005Z МЈМ 306,693 7/20/2002 04162 RWB WEA 306,800 7/20/2002 05396 P002Z 307,099 P12317z EHT GRL 7/20/2002 42390 933,620 7/20/2002 04148 p030 ALM TVN 933,786 7/20/2002 04800 800qTVN 933,847 7/20/2002 04800 p006 United Kingdom 7/20/2002 82225 P0011GBR B-H ESH 2194657 United Kingdom P0273GBR EHT 2195294 7/20/2002 42390 7/20/2002 P0701EPO EPO 95307474.7 82225 **B-HESH**

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Country Reference Client Number Number Docket Attorneys: · Date 2154327 B-H ESH Canada 7/20/2002 82225 P0600CAN SKW Canada 2359672 7/20/2002 04068 P008CA 525 of 1994 Hong Kong 7/20/2002 82225 P0064HKG B-H ESH EHT Hong Kong 74 /1993 P0273HK 7/20/2002 42390 9290586-8 42390 P0273SIN EHT Singapore 7/20/2002 P0011SIN B-H ESH Singapore 9190612-3 7/20/2002 82225 156013 B-H ESH Korea 82225 P0319KOR 7/20/2002 608894 P0018AUS B-H ESH Australia 7/20/2002 82225 609519 Australia P0008AUS B-H ESH 7/20/2002 82225 G009 RWB 7/20/2002 55123 RWB G009 55123 7/20/2002 P030CA TNF SKW Canada 7/20/2002 03498 631,240 LNB 62545 T014 7/20/2002 PCT US01/44090 P006PCT TCW SKW 7/20/2002 04259 PCT US01/50808 EHT SKW 7/20/2002 42390 P9843PCT NI-073297 Taiwan - ROC 7/20/2002 42390 P1743ROC EHT MJM LNB MWH 189,870 04112 T049usa9 7/20/2002 US01/49733 PCT WWS MJT 7/20/2002 03927 p010PCT PI0010602-0 EHT ALM Brazil 7/20/2002 42390 P4742BR 5,926,572 7/20/2002 51876 P256 ESH 9490025-5 2 P0064SIN B-H ESH Singapore 7/20/2002 82225 PCT US02/02836 42390 P10980PCT SKW KDT 7/20/2002 194,801 ESH MWH 7/20/2002 02726 T011 330,456 **GWH** 05056 T003 7/20/2002 EPO 00921901.5 01340 P010EP SKD EHT 7/20/2002

Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
7/20/2002	04259	P011PCT	TCW SKW	PCT	US02/05204
7/20/2002	96790	P151	ESH		5,389,215
7/20/2002	03471	T015	RWB LNB		856,832
7/20/2002	04138	T022USA17	NZ LMS		134,507
7/20/2002	04138	T022USA2	NZ LMS		134,509
7/20/2002	04795	T002	ESH		162,363
7/20/2002	04259	P014PCT	TCW EHT SKW	PCT	US02/05206
7/20/2002	04259	P012PCT	TCW SKW	PCT	US02/05715
7/20/2002	02998	p017PCT	JHS SKW	PCT	US02/05288
7/20/2002	17480	P018	ESH		5823831
7/20/2002	04906	p063	DMD GAP	`	102,461
7/20/2002	04906	p086	DMD JMD		102,456
7/20/2002	42390	P5780d	ЕНТ		102,319
7/20/2002	42236	P069x	RWB GLF		102,117
7/20/2002	42390	P6737BR	EHT MJM MLW	Brazil	PI0014597-1
7/20/2002	04887	P677PCT	MAB SKW	PCT	US02/07925
7/20/2002	04259	P015PCT	TCW SKW	PCT	US02/08543
7/20/2002	15685	P093PCT	GDC MJT	PCT	US02/08945
7/20/2002	42390	P5731DE	EHT JHS	Germany	19983589.6
7/20/2002	82225	P0013GBR	B-H ESH	United Kingdom	2204767
7/20/2002	82225	P0013HKG	B-H ESH	Hong Kong	92000588.0 1992
7/20/2002	82225	P0013SIN	B-H ESH	Singapore	9290416-8
7/20/2002	82225	P0059CAN	ESH	Canada	1316611
7/20/2002	82225	P0208ROC	ESH	Taiwan - ROC	NI-65653
7/20/2002	82225	P0596AUS	ESH	Australia	686324

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Country Reference: Mana Number Docket Attorneys: Client Number 'Date 551,307 JHS LXT PAM 7/20/2002 03792 P008 118,134 P014 DMD ADL 7/20/2002 06468 524182 7/20/2002 04203 P1016 JYG PCT US01/03372 P001xPCT JHS MJM SKW 7/20/2002 02821 179713/94 B-H ESH JSM Japan 82225 P0481JPN 7/20/2002 RWB TVN 039,205 P102 55123 7/20/2002 2204767 United Kingdom P0013GBR B-H ESH 7/20/2002 82225 China WFH NZ RDM 7/20/2002 82234 10-1995-0028 B-H ESH JXL Korea 7/20/2002 82225 P0564KOR 405,370 WWK P016 03929 7/20/2002 97915880.5 EPO EHT 42390 P3380EP 7/20/2002 E-20000755 JHS SSH AEH Indonesia 7/20/2002 80398 P156c8ID 95943003.4 EPO EHT JPW 7/20/2002 42390 P2583EPO P003x2d JCS 766,184 02344 7/20/2002 WFH MWH NZ Israel 7/20/2002 82234 M017 EHT GDC 468,606 P12795 7/20/2002 42390 JPW SKW PCT US02/16166 P001PCT 7/20/2002 05642 069,028 P390 ESH 7/20/2002 15675 ESH JSM 191,203 P020 7/20/2002 03455 505,335 P140 JCS SSL 7/20/2002 03764 909,529 EHT (TMM) 7/20/2002 42390 P11563 EHT JFT SMD 229,592 7/20/2002 42390 P5578 P664 658,362 MAB 7/20/2002 04887 883,770 JPW TTN 7/20/2002 05306 p031 Korea 10-2000-7005 P5319KR EHT KMS 7/20/2002 42390

Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
7/20/2002	80398	P082	JHS KGS		961655
7/20/2002	42390	P5085KR	EHT WTK	Korea	10-2000-700
7/20/2002	42390	P5803c	EHT PAM		452,885
7/20/2002	42390	P7052d	EHT WWK MJL		670,472
7/20/2002	42390	P5367D	EHT TCW		692951
7/20/2002	42390	P5469	EHT (LVN)		169,866
7/20/2002	42390	P2757c2	EHT JCS MGP		662365
7/20/2002	42390	P11547c	EHT (KJC) GRL		780,948
7/20/2002	42390	P6661	EHT JHS (SPS)		303,469
7/20/2002	42390	P3966C	EHT JPW		439,945
7/20/2002	42390	P10357	EHT FEA		752,906
7/20/2002	96790	P287	ESH		347,240
7/20/2002	03764	P106	JCS SSL		859,042
7/20/2002	42390	P5994c	EHT BEV		844,728
7/20/2002	42390	P6638d	EHT MAB TCW		378,053
7/20/2002	51876	P220	ESH JSM		752,549
7/20/2002	42390	P8975PCT	EHT JYG SKW	PCT	US01/40446
7/20/2002	42390	P8975	ЕНТ ЈҮС		561409
7/20/2002	05207	P001x	RAB JYG		878,097
7/20/2002	05207	P001	RAB JYG		828,511
7/20/2002	42390	P9820PCT	ЕНТ МЈТ	PCT	US01/31532
7/20/2002	42390	P9820	EHT (HAS)		704,380
7/20/2002	42390	P9804PCT	EHT SKW	PCT	US01/31440
7/20/2002	42390	P9804	EHT		704,392
7/20/2002	42390	P9804PCT	EHT SKW	PCT	US01/31440

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Country Reference Docket Attorneys: Client Number Maner Number Date PCT US01/48712 TCW SKW 7/20/2002 04259 P017PCT 734,535 P017 TCW EHT 04259 7/20/2002 PCT US01/07216 SKW 7/20/2002 42390 P7303PCT 534,187 EHT GRL JPW 42390 P7303 7/20/2002 JHS LMS Bahrain 7/20/2002 03660 G044 TMC JSM 746,258 56301 P556 7/20/2002 SKW PCT US01/31253 P11615PCT 7/20/2002 42390 US01/31253 PCT P11615PCT EHT 42390 7/20/2002 0706710 - Ge EPO P048EP SMD 7/20/2002 04315 69423891.0 EPO 02076590.5 P0741EPO B-H ESH 82225 7/20/2002 02076567.3 EPO B-H ESH 7/20/2002 82225 P0741EPOd China - PRC 3240973 LNB SWS LMS T332CN 7/20/2002 70452 JPW SKD 820,516 7/20/2002 05306 p008 JPW 820,336 05306 p025 7/20/2002 JPW 820,329 05306 p024 7/20/2002 JPW RAB 818,015 05306 p013 7/20/2002 968,458 JPW SKD 05306 p049 7/20/2002 EHT JHS AAJ 089117510 P7575TW Taiwan 7/20/2002 42390 P-960142 ID GDC Indonesia P004ID 7/20/2002 15685 428,134 P6341x EHT JPW 7/20/2002 42390

EXHIBIT B

Date	Client Number	Masser Number	Docket Attorneys:	Country	Reference
2/11/2003	01207	P001c4	DEO EHT		269,364
2/11/2003	02020	T001	LNB		2037599
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02209	P006	TMC WEH		847,630
2/11/2003	02240	P133	TNF		726,994
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02252		LNB DFA	Iran	
2/11/2003	02312	T029AU	SWS LNB GWH MJT	Australia	761883
2/11/2003	02388	P001X2JPN	GWH FEA	Japan	500787/96
2/11/2003	02396	T024	LNB		125,504
2/11/2003	02396	T039	LNB MWH		293,514
2/11/2003	02396	Т022	LNB MWH		125,830
2/11/2003	02512	T007CO	WFH	Colombia	229257
2/11/2003	02659	P011	GDC		5,903,892
2/11/2003	02821		JHS TMC LMS	Canada	
2/11/2003	02821		JHS TMC LMS	Singapore	
2/11/2003	02894	T002ISV3	WFH NZ	British Virgin Islands	1594
2/11/2003	02982		ALM LNB LMS	Canada	
2/11/2003	02986	P011	JCS ROR		6,519,742
2/11/2003	02986	P006	JCS		6,519,754
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